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Rutherford B. Hayes.

President of the United States of America.

To all who shall see these Presents. Greeting:

Know Ye, That, reposing special trust and confidence in the Integrity, Ability and Discretion of John B. Keil, of Salt Lake City, Utah, I do appoint him to be Governor of the Territory of Idaho, vice Mason Brayman whose term of office will expire July 23<sup>d</sup> 1886. and do authorize and empower him to execute and fulfil the duties of that Office according to Law and to hold the said Office with all the rights and emoluments thereunto legally appertaining unto him, the said John B. Keil during the pleasure of the President of the United States for the time being and until the end of the next session of the Senate of the United States and no longer.

In Testimony Whereof, I have caused these Letters to be made Patent, and the Seal of the Department of the Interior to be hereunto affixed.

Given under my hand at the City of Washington the Twelfth day of July in the year of our Lord one thousand eight hundred and eighty and of the Independence of the United States of America the one hundred and fifth

By the President

R. B. Hayes

C. Schurz  
Secretary of the Interior

Territory of Idaho  
County of Ada 3<sup>rd</sup>

I John B. Neil having been appointed by the President of United States Governor of the Territory of Idaho, do solemnly swear that I have never voluntarily borne Arms against the United States since I have been a Citizen thereof, that I have voluntarily given no aid, countenance, Council or encouragement to persons engaged in armed hostility thereto. That I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended Authority in hostility to the United States that I have not yielded a voluntary support to any pretended Government, Authority, power, or Constitution within the United States hostile or inimical thereto And I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same that I take this obligation freely without any mental reservation or purpose of evasion, And that I will well and faithfully discharge the duties of the office on which I am about to enter So help me God.

John B. Neil

Sworn to and Subscribed before me  
this Fourth day of August A.D. 1880

James M. Golric J. P.

over

I John B Neil do solemnly swear  
that I will well and faithfully discharge  
the duties of the office of Governor of  
the Territory of Idaho according to law  
to the best of my ability as helps me  
God.

John B Neil

Sworn to and subscribed before  
me this Fourth day of August A.D.  
1880.

James M. Colrick J.P.

### Certificate of Reapportionment.

Be it known that: pursuant to the provisions of an act of Congress entitled "An Act providing for the reapportionment of the members of the legislatures in the Territories of Montana, Idaho and Wyoming" approved June 3rd 1880: J. B. Neil, Governor of Idaho, J. H. Birseys, Speaker of the House of Representatives, and H. B. Hilley, President of the Council during the last session of the Legislature of Idaho Territory, commenced at Boise City the capital of said Territory upon August 5, A.D. 1880, and did apportion the members of the Council and House of Representatives of the Legislative Assembly of said Idaho Territory as follows:

Members of Council: Ada County, one member: Ada and Washington Counties jointly one member: Bear Lake County, one member: Boise County, one member: Alturas and Boise Counties jointly one member: Owyhee and Cassia Counties jointly one member: Idaho County, one member: Lemhi County, one member: Nez Perce County one member: Nez Perce, Shoshone, and Hal-Tah Counties, jointly, one member: Owyhee County, two members, being twelve members of the Council. Members of the House of Representatives: Ada County, four members: Alturas County, one member: Bear Lake County, two members: Boise County, two members: Cassia County, one member: Idaho County, two members: Lemhi County, two members: Nez Perce County, three members: Owyhee County, four members: Owyhee County, one member: Shoshone and Hal-Tah Counties one member: Washington Counties, one member: being twenty four members of the House of Representatives.

Which apportionment is hereby certified to the Secretary of Idaho Territory as required by law.

Certified to by us this 10th day of August A. D. 1880 as the apportionment made by a majority of the Board of Apportionment.

H. B. Hilley, President of the Council of the 10th Session of the Legislative Assembly of Idaho.

J. H. Birseys, Speaker of the House of Representatives of the 10th Session of the Legislative Assembly of Idaho.

I John B. Neil, Governor of Idaho Territory, do hereby certify the above to be the apportionment for members of the next Legislative Assembly for Idaho Territory, as agreed upon by a majority of the Apportionment Board.

John B. Neil, Governor of Idaho Territory.

# Proclamation By the Governor

Executive Department - Idaho Territory  
Boise City, Aug 11th 1880

To All Whom it may Concern:

Whereas, by virtue of an Act entitled "An Act for the reapportionment of the members of the Legislators in the Territories of Montana Idaho and Wyoming," approved June 3rd 1880, the Governor, President of the Council and Speaker of the House of the last Legislative Assembly of Idaho Territory, were constituted a Board of Apportionment for said Territory, and were authorized, empowered, and directed to reapportion the members of the Council and House of Representatives of the Legislative Assembly of said Territory, to the different sections thereof, upon the basis of the population as shown by the census returns for the year 1880: Now,

Therefore be it known, That I, John B. Neil, Governor of the Territory of Idaho, in compliance with the provisions of the above mentioned Act, do hereby proclaim that the Board of Apportionment for the said Territory, as constituted by the act herein before recited, did assemble at Boise City, Idaho Territory, on the 10th day of August A.D. 1880, and that said board or a majority thereof did then and there reapportion the members of the Council and House of Representatives of the Legislative Assembly of Idaho Territory, allotting the members of each house to the different sections, pro rata, as nearly as practicable, according to population, as follows, to wit:

## Members of Council

Ada County, one (1) member: Ada and Washington Counties, jointly, one member: Bear Lake County, one member: Boise County, one member: Blaine and Boise Counties jointly, one member: Cassia and Owyhee Counties jointly, one member: Idaho County, one member: Lemhi County, one member: Nez Perce County, one member.

(over)

Nez Perce, Shoshone and Lah Toh Counties jointly one member: Oneida County, two members.

Members of the House of Representatives.

Ada County, four members: Alturas County, one member:

Bear Lake County, two members: Boise County, two members:

Cassia County, one member: Idaho County, two members:

Lemhi County, two members: Nez Perce County, three members:

Oneida County, four members: Owyhee County, one member: Shoshone and Lah Toh counties one member: Washington County, one member.

And be it further known, that, in obedience to law, I do hereby appoint and order the holding of a General Election at the

proper voting places in the several counties of said Territory, on Tuesday after the first Monday in November 1880, being the

second day of said month, for the election of members of the Eleventh General Assembly, to convene at Boise City on the 8th

day of December 1880, according to the apportionment as above set forth, and for the election of the following officers, to wit:

One Delegate to represent said Territory in the forty-seventh Congress of the United States.

One District Attorney for the first District comprising the counties of Nez Perce, Shoshone and Idaho.

One District Attorney for the second District comprising the counties Boise, Alturas and Lemhi.

One District Attorney for the third District, comprising the counties of Ada, Bear Lake, Oneida, Owyhee and Cassia.

Also all officers required by law to be elected at said General Election.

In Testimony Whereof, I have hereunto set my hand and caused to be here-

unto affixed the great seal of the Territory of Idaho. Done at Boise

City this 14th day of August, in the year of our Lord, 1880.

John B. Weil.

By the Governor

R. A. Sidebotham,

Secretary.

# Territory of Idaho

By the Governor

## Thanksgiving Proclamation

The year now drawing to a close has been one of unusual prosperity, not alone to the people of Idaho, but to those of the entire Country.

As a Nation we have been singularly blessed. Peace has prevailed within our own borders, and the Flag of our Country honored and respected to the remotest ends of the Earth: for abundant harvests remunerative prices have been obtained: through increasing commerce and reviving industries, the wastes and burdens of the late war are being rapidly repaired, and scarcely a trace of the disastrous panic which followed its close, now remains.

We should be thankful for the providence that gives us homes in this favored land.

Venerating the praise worthy custom and in accordance with the Presidents Proclamations, I hereby designate Thursday the 25<sup>th</sup> day of November instant, as a day of public thanksgiving and praise to Almighty God.

and earnestly request that on the day named the people of this Territory abstain from all secular employment, and assemble in their respective places of worship, or

gather about the home circle,  
around the family altar to return  
thanks for the prosperity that has  
attended us as a nation, and  
especially for the manifold  
blessing of the year.

With our glad  
praise let us mingle prayers  
for all those who are in need, distress,  
or adversity of any kind, and  
from the stores of plenty let the  
wants of the poor be supplied.

Done at the City of Boise  
Territory of Idaho in the year  
of our Lord one thousand eight-  
hundred and eighty. and in the  
year of the Independence of the  
United States the One Hundred and  
fifth.  
By the Governor J. B. Neil  
R. A. Sidebotham  
Secretary

Executive Department  
 Boise City, December 4<sup>th</sup> 1880

To whom these presents may come  
 Greeting. Whereas

A general Election within and for the Territory of Idaho was held on Tuesday the second day of November in the present Year One Thousand Eight Hundred and Eighty that being the day designated by law for the Election of One Delegate to represent said Territory in the House of Representatives being of the Forty Seventh Congress of the United States that is to say for the term of two Years from and after the fourth day of March next in the Year One Thousand Eight Hundred and Eighty one.

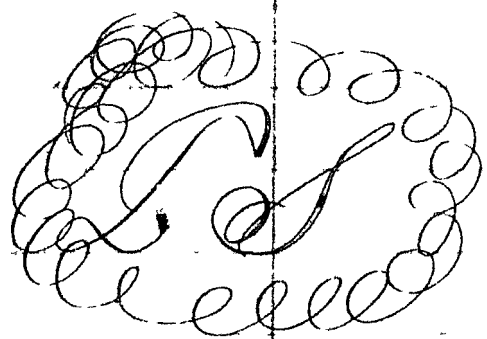
And Whereas

At the canvass and inspection of the returns of the votes cast in the several Counties of said Territory at such Election made in my presence according to law it appears that

George Asstie Esquire a citizen of the Territory duly qualified did receive a majority of all the votes lawfully cast at such Election, as appears by the returns thereof duly certified.

Now Therefore Know Ye That I

John B. Neil Governor of said Territory of Idaho do hereby certify and declare that Genget Aslie has been duly and lawfully elected a Delegate of and from the said Territory of Idaho to and in the House of Representatives of the Forty Seventh Congress of the United States for the term of two years from and after the fourth day of March next one Thousand Eight Hundred and Eighty One: and is therefore entitled to all the rights, honors, privileges and emoluments pertaining to said office.



In testimony whereof I have hereunto set my name and caused the Great Seal of the Territory of Idaho to be hereto affixed attested by the Secretary of said Territory.

Done at Boise City this 15<sup>th</sup> day of December One Thousand Eight Hundred and Eighty

John B. Neil  
Governor

Wm. A. Siderotham  
Secretary

# Certificate of Election

To  
A. Duackenbush

Executive Department  
Boise City Idaho Territory  
December 4<sup>th</sup> 1880

In compliance with the laws of Idaho Territory providing for the Election and qualification of District Attorneys and in conformity with An Act of the Legislative Assembly defining their duties and respective Districts Approved January 14<sup>th</sup> A.D. 1875.

I do hereby certify that at the General Election held in and for said Territory on the second day of November A.D. 1880 that being the time prescribed by law for holding said General Election:

That

A. Duackenbush Esquire received Six Hundred and Seventy Five votes (675) for District Attorney of District number One as defined by law and that being the highest number of votes polled for any one person for said office in said District he is therefore declared duly elected to the office of District Attorney in and for said District number one, comprising the Counties of Idaho, Nez Perce, and Shoshone of said Territory of Idaho according to the returns made, and received by the Secretary of Idaho Territory and opened and canvassed by R. A. Sickerthum the Secretary of Idaho and

E. T. Chase United States Marshall  
for the District of Idaho Territory  
by his Deputy Orlando Robbins in  
my presence on the second and  
fourth days of December A.D. 1880  
which said returns are now on file  
in the office of the said Secretary  
of Idaho.

In witness whereof I have  
hereunto set my hand and caused  
the seal of said Territory to be affixed  
at Boise City the 15<sup>th</sup> day of  
December A.D. 1880

John B. Keil  
Governor  
Attest  
R. A. Sidebotham  
Secretary

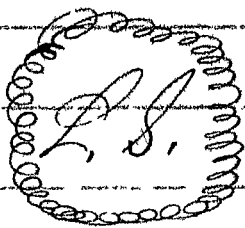
## Certificate of Election

To  
James H. HawleyExecutive Department  
Boise City Idaho Territory  
December 4<sup>th</sup> 1880

In compliance with the laws of Idaho Territory providing for the election and qualification of District Attorneys and in conformity with an Act of the Legislative Assembly defining their offices and their respective districts approved January 14<sup>th</sup> A. D. 1875.

I do hereby certify that at the General Election held in and for said Territory on the second day of November A. D. 1880 that being the time prescribed by law for holding said General Election, That James H. Hawley Esquire received one thousand six hundred and twenty one (1621) for District Attorney of District number two as defined by law, and that being the highest number of votes polled for any one person for said office in said District, he is therefore declared duly elected to the office of District Attorney in and for said District, number two, comprising the Counties of Boise, Blaine, and Lemhi of said Territory of Idaho, according to the returns made and received by the Secretary of Idaho Territory and opened and canvassed by R. A. Sidebottom the Secretary of Idaho and E. S. Chase United States Marshal for the District of Idaho Territory, by his Deputy Orlando Robbins, in my presence on the 2<sup>nd</sup> and 4<sup>th</sup> days of December A. D. 1880 which said returns

are now on file in the office of the said  
Secretary of Idaho.



Attest:  
R. A. Sidbrookman  
Secretary.

In testimony whereof I  
have hereunto set my hand  
and caused the Great  
said Territory to be  
affixed at Boise City this  
13<sup>th</sup> day of December A. D. 1880  
J. B. Baile  
Governor

## Certificate of Election

To

Willard Crawford

Executive Department  
Boise City, Idaho TerritoryDecember 14<sup>th</sup>, 1880

In compliance with the laws of Idaho Territory providing for the election and qualification of District Attorneys and in conformity with an Act of the Legislative Assembly defining their duties and their respective Districts approved January 14<sup>th</sup> A. D. 1875.

I do hereby certify that at the General Election held in and for said Territory on the second day of November, A. D. 1880, that being the time prescribed by law for holding said General Election.

That Willard Crawford Esquire received Two Thousand and Thirty Six (2036) for District Attorney of District number three as defined by law and that being the highest number of votes polled for any one person for said office in said District he is therefore declared duly elected to the office of District Attorney in and for said District number three comprising the Counties of Ada, Bannock, Blaine and Boise Lake of said Territory of Idaho according to the returns made, and received by the Secretary of Idaho Territory and opened and canvassed by R. A. Sidbrookham the Secretary of Idaho and E. S. Chase United States Marshall for the District of Idaho Territory in my presence on the 2<sup>nd</sup> and 4<sup>th</sup> days of December A. D. 1880 which said returns are now

on file in the office of the said Secretary  
of Idaho.

*Seal of  
D. S. E.*

In testimony whereof I have  
herunto set my hand and caused  
the Seal of said Territory to be  
affixed at Boise City the 15<sup>th</sup>  
day of December A.D. 1888

Attest  
R. A. Sidebotham  
Secretary.

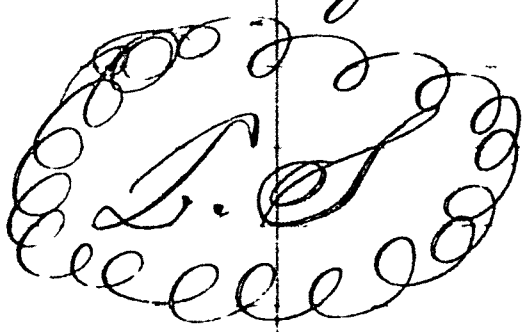
J. W. B. Neil  
Governor.

Idaho Territory

Executive Office

Boise City December 22<sup>nd</sup> 1880

By virtue of the authority in me vested by law, I do hereby substitute the name of Oscar Van Dercok in the place of E. Young as the Agent of the Territory of Utah, duly appointed by the Governor thereof, to receive and deliver the within named fugitive from justice. Edward Norton, and I do hereby command and enjoin any and all Marshals, Sheriffs, Constables and all others having competent authority, to arrest and deliver the said Edward Norton to the Agent of the Governor of Utah. Such arrest, custody and delivery to be without cost to the Territory of Idaho.



In witness whereof I have hereunto set my hand and caused the Great Seal of the Territory of Idaho to be hereto affixed, at the City of Boise this 22<sup>nd</sup> day of December A.D. 1880

By the Governor John B. Neil

R. A. Sidebotham  
Secretary

Business Messages comes in before  
This

Executive Department  
 Idaho Territory  
 Boise City December 17<sup>th</sup> 1880

Hon John Hailey.

President of the Council

Sir: I have this day approved  
 Council Joint Resolution No 1.  
 Authorizing the employment in  
 each branch of the Eleventh Session  
 of the Legislative Assembly of One  
 Assistant Chief Clerk, One Assistant  
 Enrolling and Engrossing Clerk and  
 One Door-Keeper

Very Respectfully  
 Your obt Servt  
 J. B. Keil  
 Governor

Biennial message comes before this

Executive Department  
 Boise City Idaho  
 December 24<sup>th</sup> 1880

Honorable John Hailey  
 President of the Council

Sir! I have this day approved Council bill No 1. An Act granting leave of absence to C. T. Beatty Probate Judge of Lemhi County; Council joint-Resolution No 3, making an Appropriation to defray the expense of a private Secretary to the Governor, and Council Concurrent Resolution No 3, directing the Finance Committees of the Council and House of Representatives "to make a thorough investigation into the Condition of the affairs in the office of the Territorial Controller and Treasurer, with power to send for persons and papers."

Very Respectfully  
 Yours obt. servt.  
 J. B. Keily  
 Governor

Biennial message comes before this

Governor's Message: Delivered Dec. 15, 1880.  
Gentlemen of the Council,  
and House of Representatives:

Permit me to cordially welcome you to the Capital and to congratulate you that you meet at a most auspicious period in the history of the Country: profound peace prevails everywhere throughout the Nation, and there exists no cause of difference, no serious complication with any foreign Power, while universal prosperity, general health and happiness prevail to an extent seldom if ever before known. Appropriately acknowledging the Source from whence spring these blessings let us earnestly hope that all causes of difference all sectional divisions heretofore existing among us, may disappear and be supplanted by an era of good feeling, and unity of purpose, and that with one accord all the people may press forward to fulfill our common destiny.

In obedience to law and in accordance with custom I proceed to lay before you the condition of the affairs of the Territory and to recommend the adoption of such measures as seem to me expedient and necessary.

### Finance.

It is with peculiar satisfaction that I find myself enabled to present a statement respecting the financial affairs of the Territory highly gratifying and assuring in most respects.

The total assessed value of all the real and personal property in the Territory has increased from \$4,520,800 in 1878 to \$6,408,089 in 1880.

The receipts from all sources, during the year 1879 were \$47,180.78. The receipts up to October 1st of the present year were \$53,645.68, which with the balance remaining in the Treasury at the date

of the last report \$7,270.17 would make the total receipts \$18,096.53 for the years 1879 and 1880.

The disbursements for all purposes including the amount paid in the redemption of outstanding warrants of previous years for the year 1879 and up to November 10<sup>th</sup> 1880 were \$93,086.59 leaving a balance in the Treasury at that date of \$15,009.94.

The Treasurer estimates the receipts for the quarter ending December 31<sup>st</sup> 1880 at \$25,000.00 and the ordinary disbursements for the same period at \$5,400.00 leaving an estimated balance in the Treasury at the close of the year including the amount on hand November 10<sup>th</sup> of \$34,609.94.

There are however, warrants outstanding against the Treasury amounting with accrued interest to \$15,159.90 and also the item of \$3,972.75, interest on Bonds, coupons due Dec. 1<sup>st</sup> 1880, making a total floating indebtedness of \$19,132.65. With the close of the present year, it is confidently believed the sum in the Treasury will be amply sufficient to discharge this indebtedness, and leave a balance remaining to the credit of the several funds of over \$15,000.00.

For the first time in the history of the Territory the receipts are likely to considerably exceed the expenditures.

Happily the problem so often confronted by your predecessors of devising means to meet current expenses, without increasing the rate of taxation, does not present itself to you.

In view of the foregoing statement, it is obvious that taxes might with safety be measurably reduced. But in as much as the Territory is burdened with a bonded indebtedness amounting to \$69,248.60 provision for the payment of which must

ultimately be made I would suggest the creation of a Sinking Fund from the surplus revenues hereafter arising for the redemption of the bonds as fast as they mature.

It is true no portion of this debt falls due prior to 1885. While it might be entirely safe to defer making provision for its liquidation until some years hence, it is much safer and infinitely wiser to do so now when the financial condition of the Territory fully warrants and invites such action. Rather than postpone the step, in the hope that a more favorable opportunity will arise in the future.

By maintaining the present rate of taxation which is neither excessive or burdensome the surplus revenues would, in a few years no doubt, amount to a sum adequate for the purpose.

By reducing the rate of taxation you would necessitate your immediate successors levying a special tax, which is always an unpleasant duty, for the payment of the bonds maturing in 1885. Moreover reducing the rate of taxation might result in reducing the revenues to a point where they would be inadequate to meet current expenses.

Without submitting any special plan for the Creation of a Sinking Fund, the subject is recommended for your consideration.

While the financial affairs of the Territory are shown to be in a satisfactory condition it is impossible to indicate the state of affairs, respecting finances, existing in the different counties. There is no provision of law requiring local authorities to report to the Territorial officers in relation to

county or other local indebtedness. In the absence of such information, it is difficult to understand how this body can legislate intelligently upon measures affecting the welfare of the various counties or other localities.

Measures should be at once adopted requiring county auditors to report annually to the Territorial Comptroller the precise amount and nature of the indebtedness of their respective counties.

The laws of the Territory limit the amount of taxes that may be levied annually for county purposes, but there is no limitation to the amount of debt for a single purpose or the total amount for all purposes which local authorities may contract. The case with which county boards are induced to authorize large expenditures, suggests the wisdom of placing some restrictions upon the power to incur debt. The amount of debt which any local authority may contract, should be limited to a certain percentage of the taxable property of such locality.

Another mode of restricting the abuse of the powers of taxation and of incurring debt, would be the adoption of a general provision, requiring that all extraordinary expenditures should have the approval of those who are to bear their burden.

All such propositions should be submitted to a vote of the people and no tax be levied unless approved by a majority of all the voters of the locality to be affected by the tax. The number of voters to be determined by reference to the votes cast at the general election next preceeding such special election.

### Common Schools.

The Common school system of the United States, emanating from the fathers and afterwards more perfectly established

in the state of New York in 1812 is justly regarded as the best educational system in the world. However it cannot be said to have yet reached the highest perfection notwithstanding the numerous and important improvements engrafted upon the original plan. As vast is the sphere it is destined to fill.

In the future, we may expect to see the mechanical arts and trades and every branch of knowledge valuable in practical life, embraced among the studies taught in the public schools.

That we are largely indebted to the common schools for the preservation and improvement of our free institutions, there can be no doubt. That they promote the welfare and improve the morality of every community where they are in successful operation, cannot be questioned, and that crime is decreased by their establishment and maintenance is a proposition easily demonstrated. It is an old saying that for every dollar expended in the establishment and support of common schools, two are saved that would otherwise have been spent in the prosecution of crime.

Therefore, we are bound by considerations of the highest patriotism, by proper regard for the welfare and prosperity of the Territory, and in the interest of a wise economy, to encourage, improve and extend our Territorial school system.

Our experience is not unlike that of all new and sparsely settled regions.

Our public schools have not, as yet, accomplished any grand results nor have they reached a very high degree of efficiency and usefulness; still considering the circumstances of the people, and the many difficulties with which they

have had to contend, commendable progress has been made, and there is every reason for encouragement.

In 1877 there were 96 school districts in the Territory and 4,128 children attending the public schools. The number of districts reported in 1880 is 149, and the number of children in attendance 6,698.

This shows that the interest in the subject of popular education is growing, and we may confidently hope that the time is not far distant when the intelligence of the people will demand, and the wise liberality of our legislators accord, the means of placing a good education within the reach of all. The amount raised for school purposes during the years 1879 and 1880 was \$82,272.02.

The collection of this sum was severely felt by the people yet they have responded generously and without complaint.

The fund has however been insufficient to meet the demands made upon it. In many districts the schools have been open for only a few weeks or months in the year, and in many instances the meagerness of the salaries which the fund would justify, has resulted in securing teachers wholly incompetent to perform the important work expected of them.

The weakest spot in the school system of this Territory is the existing mode of Territorial and County supervision.

The Territorial Comptroller is by law made the Superintendent of Public Schools. For this extra duty he receives no compensation whatever. While it may be said with truth that the present incumbent has discharged the duties with ability and fidelity, it is not, and cannot be expected, under the circumstances that he will give the time and attention to the

supervision of the public schools that they require. The duties of Territorial Comptroller and those of Superintendent of schools are distinct and separate, wholly unlike in their nature, and each too important to be imposed upon the same person. I urgently recommend the separation of these offices and suggest the wisdom of creating a department of Public Instruction, with a head to be selected solely with reference to fitness for the position. The duties of the office should be well defined by law.

I also recommend a change in the plan of county supervision. This work is now imposed on county auditors and being unlike their other duties, is performed by them with reluctance. This officer is not elected with reference to school interests; his other duties require most of his time and it is not improbable that he is often compelled to neglect school matters. The best school system is in the end the cheapest, and if we intend to elevate our public schools to the proper standard, important changes in the present school will be found necessary, all of which I cannot now undertake to point out.

The portion of the public lands (the 16<sup>th</sup> and 36<sup>th</sup> sections of each township) set apart by the laws of Congress for school purposes, are not available until the Territory is admitted as a State. I would therefore suggest the propriety of petitioning Congress for a donation of lands, or an appropriation of money to be immediately available for school purposes. The duty of Congress to make provisions for the education of the youth of the country is but partially performed, as long as the assistance so freely lavished upon the rich and prosperous States is denied to the weak and

struggling Territories. Simple justice demands that help be given to all and to all alike. Sooner or later Congress must recognize this fact, and provide the assistance so much needed.

#### Revised Statutes—Amendments, Etc.

You are informed that but 68 copies of the revised laws of this Territory are now left in the hands of the Secretary, and most of these will doubtless be required to meet the demands of the Legislature and public officers before the next meeting of your body.

A revision of the statutes cannot in justice to the wants of the people be much if any longer delayed. Many of the most important statutes, which should always be compactly codified, are scattered through the volumes of session laws, published both before and since the last revision: some of are indexed and others not, so that an accurate knowledge of our statute law has become very difficult if not almost impossible to obtain. I submit these facts for your consideration.

If it is not deemed best to authorize a complete revision and codification of the laws at this time, many amendments, modifications, and changes of existing statutes will be found necessary in order to eliminate conflicting provisions of different laws, with other inconsistencies and ambiguities of an inharmonious nature. Experience and observation have undoubtedly suggested most of these defects to your members, and others will present themselves from time to time. Special attention is directed to the imperfections of the election laws as respects the provisions for furnishing frauds upon the ballot box: all kinds of frauds are not made punishable. These defects should be remedied by the a-

adoption of such additional clauses as will most effectually prevent the perpetration of any sort of fraud upon the ballot. Every guard having the sanction of experience should be thrown around the ballot box so that it may never be aught else than an honest expression of the popular will.

### Supreme Court Reports

Your attention is called to the fact that no volume of the decisions of our Supreme Court has as yet been published except a small one, containing a few cases printed in 1867. This however, was never complete and is now out of print. For a long time past, this Territory has been receiving for the Territorial library the reports of many of the States and Territories and has given nothing in exchange. The inferior courts of the Territory are in no way informed of the decisions of the Su-

Court and cannot be governed by them. In view of the fact that no private firm will publish such a volume without Territorial aid, and in justice to the States and Territories that are furnishing their reports, and to the wants of the people, it is suggested that aid be given to insure the publication of a volume containing all the decisions of the Supreme Court from its organization to the present time, by taking a specified number of the volumes at a given price to be distributed in such manner and to such officers as you may see fit to direct.

The boundary between Alturas and Lemhi counties is fixed by law to be at latitude  $44^{\circ} 30'$  North: an imaginary line which cannot be definitely known or fixed without an astronomical observation or survey. The settlement of what is known as the Yankee Fork country, being in the immediate proximity of that line, has given rise to questions

of jurisdiction over property and person in that vicinity and suits are now pending in which these questions are involved.

There is also a question as to the boundary between Alturas and Ouida counties, south of Mud Lake.

These questions are too important to be decided upon conjectural or uncertain testimony, and I recommend such legislation as will define those boundaries, either by fixing them with reference to natural objects, or by providing for such surveys or observations as will determine their location.

#### Judicial and District Attorney Districts.

Since the passage of the act creating District Attorney Districts, several new counties have been organized, which have not been assigned to districts, namely: Cassia, Washington, and Blaine counties. If the present system of electing prosecuting officers by districts is to be continued in force, these counties should now be assigned to districts.

Your attention is invited to the fact that the Judicial and District Attorney Districts are not identical as now constituted. This causes great inconvenience and embarrassment in many respects, but particularly in fixing the time of holding court in the different counties so as to accommodate the Judges, District Attorneys and other interested parties. The counties composing a Judicial, should also constitute a District Attorney District. A better plan however would be to abolish the office of District Attorney, and instead provide for the election of a prosecuting officer in each county. It is believed such a change would be more efficient than the present arrangement, and not more expensive - the county attorney simply taking the place of the District Attorney and their deputies. This change if made should not go into effect until two years hence so that no injustice may be done the officers chosen

at the last general election.

### Mining

The discoveries and developments of the past two years have given an impetus to mining enterprises, which places all that concerns this interest among the subjects of first importance. The existence of valuable deposits of the precious metals was known prior to the organization of the Territory, but the remoteness of the mining regions to lines of travel and the isolated situation of the country prevented the fact from becoming widely known, and operated to keep capital from coming to the aid of the miner and prospector, in consequence of which development has been greatly retarded. But the recent discovery of rich and extensive belts of mineral and the certain advent of railroads have had the effect of attracting general attention to the mineral resources of Idaho.

Capital and operators from the older fields of enterprise are flowing in at a rate that could not have been foreseen a few months ago.

The new rich mining districts in Alturas and Lemhi counties will be the first to be benefited by this changed condition of affairs because of their accessibility and nearness to the coming railroads: still the impulse and life thus given to mining will be felt in every district in the Territory.

In promoting so important an interest and in furthering the work of discovery and development, it is scarcely needful to say that nothing should be left undone by the people or their representatives, that will give proper encouragement to the prospect searching for new mines or to the capitalist seeking investment in those already discovered. The general mining laws of the United States and the decisions of the Courts

fix and govern the rights of prospectors and miners as regards extent, dimension of claims, and settle most of the questions likely to arise between adverse claimants: yet it is left to Territorial Legislatures to form or amend statutes touching the subject and to those who shape and control local customs to impose conditions and restrictions in the matter of locating, recording and holding claims which may sometimes be justly complained of as unnecessary and burdensome.

All legislation upon this subject should be uniform and liberal, keeping constantly in view the fact that whatever is done to encourage this industry will have a powerful influence upon the general prosperity.

### Railroads

The completion of the Utah and Northern Railroad through Eastern Idaho has done much to increase population and hasten development in that section.

From a business point of view, the road has been a decided success. Already it is feared the road in a narrow gauge will prove inadequate to meet the rapidly increasing demands of travel and trade.

The eminent success of the enterprise, with other pressing considerations no doubt, has induced the projections of other lines to and through other portions of the Territory. It is reported that the building of a line of railway from Ogden, Utah to Boise City, to connect there with a line from some point on Puget Sound or Yaquina Bay are enterprises now well under way. The completion of these lines, with branches penetrating to every portion of the Territory, will solve the problem of rapid communication and easy transportation, not only among ourselves but with the East and West, insuring the speedy settlement of the Territory and the full

development of her marvelous resources. While not in favor of granting extraordinary privileges to railroads, I am also opposed to legislation of an unfriendly character, but shall favor extending every proper encouragement and aid toward such enterprises. We must bind ourselves to the rest of the world with bands of iron, or remain isolated and unknown.

### Immigration.

Most of the newer States and Territories have in operation some system of encouragement to immigration.

Although this Territory has more than doubled in population during the past decade, all the elements are here to sustain in comfort and prosperity a much larger number of people. Our fertile valleys and plains, watered by swift, noble streams, our boundless ranges of pasturage, a climate not elsewhere surpassed, the beauty and grandeur of the natural scenery, and the vastness of our mineral all offer unequalled attractions.

Here then are the features and resources which ought to insure the speedy settlement in our midst of an industrious intelligent people.

But the fact is Idaho as yet is but little known, and, unless attention is directed to the advantages it is able to offer, the growth of the Territory, and the development of its resources will be very slow.

The last Session of the Legislature adopted a joint resolution requesting the Hon E. J. Curtis, of Boise City to prepare a reliable history and correct statistical record, showing in an authentic form the nature and extent of the agricultural resources and productions of the Territory etc etc. This report when prepared was to be submitted to this body for such use or disposition as you might see proper. No appropriation was

made to defray the expense of collecting the statistics and no compensation provided for the time and labor expended in the work by Mr. Curtis. It is my impression that little, if anything, has been done by him towards complying with this request of the Legislature. Under the circumstances it is hardly reasonable to suppose anyone would care to undertake the important task.

Such a work is greatly needed, and I earnestly hope this Legislature may provide for the compiling of a report similar in all respects to the one contemplated by the Resolution heretofore mentioned. In addition, I suggest the appointment of a Commissioner of Immigration whose duty it should be to employ all means, proved by experience to be efficient, to induce people to settle in the Territory. It may be objected that this is too expensive a plan to undertake at present, but I am convinced it would in the end produce results so beneficial, that it could not be regarded as other than an economical measure.

### Indians

During the past two years, there have been no disturbances with the Indians, and the people have enjoyed unusual security of life and prosperity, even in those portions of the Territory heretofore most exposed to danger.

The punishment inflicted upon the Indians during the Nez Percé and Bannock wars has caused them to remain upon their reservations. Considerable progress towards civilization has been made among them, and many in this Territory now make their living by pasturage and farming. The wise and beneficent policy of the general Government of inducing the Indians to select

lands in severality, should receive the support of all who believe in dealing fairly and honestly with them. This policy if successful, will not only prevent cruel and disastrous wars with the Indians, in the future, but will also eventually throw open to cultivation and settlement some of the richest portions of the public domain, now embraced within the limits of Indian reservations.

Prior to the time when the reservation in the Eastern part of Idaho was set apart for the Shoshone and Bannock Indians, a portion of the land selected was settled upon by whites who still remain within the boundaries of that reservation. In order to avoid the possibility of serious trouble over this matter the settlers should either be paid for their improvements and removed, or the cessions by the Indians of that portion of the reservation should be obtained.

A memorial to Congress, setting out the facts, would no doubt be the proper course to pursue.

#### Rights of Married Women.

A bill to "establish and protect the rights of married women" will be presented to you at the proper time, and if there be any right denied women in Idaho to which she is justly entitled, I bespeak for this measure favorable action on your part. Our neighbor on the West have recently adopted a measure similar in all its features to the one which will be submitted for your consideration. If upon examination it be ascertained that existing statutes do not protect and secure married women in all their "inalienable rights" I feel certain you

will "right the wrong" and place Idaho in free accord with the most enlightened public sentiment of the age on this question.

### Apportionment

The apportionment for members of this Legislature was made under authority of an Act of Congress approved June 3<sup>d</sup>. 1880. If the present assignment of the members of the Council and House of Representatives is not in all respects perfectly fair, just and equitable, to the different sections of the Territory, it is within your power to remedy all defects or to make an entirely new apportionment if deemed best.

### Polygamy

In 1862 Congress enacted a law to furnish and prevent the practice of polygamy in the Territories. That Act specially designed to break up the practice in Utah was made applicable to all the Territories, but, as is well known, it has not proved effectual. On the contrary the evil is no longer confined to Utah, but has spread into the adjoining Territories. Idaho has not escaped its blighting presence. Many persons in this Territory are living in open, undisguised violation of the anti-polygamy law of Congress, and of the laws of Idaho relating to the same offence. The law of Congress is inoperative for the reason that these plural marriages are contracted outside the Territory, invariably in some Utah temple or Endowment House, consequently, our courts have no jurisdiction under that act.

Our statute has been found defective as a means of furnishing polygamists for the reason that it is necessary under it to prove the ceremony. This as before stated is found to be impos-

sible - the ceremony being performed in a secret manner and all who witness or participate bound by the most dreadful oaths to reveal nothing that transpires. There is good reason to believe that among other objectionable features of this most unhallowed oath is an obligation each participant and witness assumes to testify falsely respecting the ceremony when called upon to ~~give evidence~~.

In my opinion, Idaho is in danger of becoming a second edition of Utah, and as there is nothing which could effect her interests so injuriously as the domination of her affairs by a licentious priesthood. I earnestly hope you may, without delay, adopt measures calculated to suppress and effectually crush out polygamy. All who now maintain, and all who may hereafter enter into polygamous relations, should be dealt with severely and rigorously. I also favor punishing those ~~who~~ advise persons to commit this offense and all who preach the so called doctrine. The people of this Territory who have not surrendered their right to think and act for themselves, all who abhor and detest the doctrine that the practice of polygamy is the only safe means of salvation, all who do not believe in sinking women to the level of the beast, but who demand that her present exalted position in society be forever secured to her, all who do not believe in permitting the revival in our midst of the most indecent, and disgusting practice of barbarous ages, and all who do believe in vindicating the law, and protecting and preserving our free institutions from the encroachments of those who hate and defy this Nation - these, and they constitute a large majority of the people, all demand

that this evil be no longer ignored, but that it be completely and effectually uprooted. Congress should be memorialized to amend the act of 1862, so as to make polygamous cohabitation after marriage in another Territory, an offense, and to change the rules evidence so as to make such cohabitation proof of the offense, thus giving our Courts jurisdiction under that act: our statute relating to bigamy should be similarly amended. This giving to the United States and Territorial Courts coordinate jurisdiction. In addition laws should be enacted providing severe penalties for the crimes of lewd and lascivious cohabitation, and that of adultery. These measures should be of a general character, so as to reach all who commit those offenses.

If these measures are deemed insufficient to break up the practice of polygamy, I unhesitatingly announce myself as in favor of disfranchising and disqualifying for office not only those who practice but all who confess to a belief in the pernicious doctrine.

Though there are other obnoxious ideas advanced by those who preach and practice polygamy, I do not now care to discuss them. When it is made clear to those who favor that doctrine that its practice cannot and will not be tolerated, they will also be impressed with the fact that all attempts to subvert the institutions of this country, and in their place establish a Theocracy, will prove as futile.

Having directed attention to this evil, I must admonish you that if this body adjourns without adopting measures to eradicate it the people will regard it as an admission of inability or unwillingness to cope with polygamy.

Respectfully

Hence with I have the honor to submit the

biennial Reports of Treasurer, Comptroller and Superintendent of Public Instruction - As they contain detailed statements respecting the subjects to which they pertain, the information derived from them will enable you to legislate intelligently upon such questions.

It is with pleasure I express my obligations to these officers for the care and fidelity with which they have discharged their important trusts.

#### Conclusion

The organic act limits your session to forty days, and I therefore wish to remind you that there is sufficient business of importance to occupy the entire time.

I trust the error into which too many legislative bodies fall, of deferring action on important subjects until the closing days of the session, may be avoided by this.

In conclusion allow me to express the hope that you may be governed solely by a desire to promote the best interests of the Territory, and that all of your acts may be of a character to secure the approbation of those whose servants you are - the people.

All your efforts to promote the welfare, and advance the interest of the people of Idaho shall have my earnest cooperation, uninfluenced I trust by any motive other than a sincere desire to perform my duty faithfully - in a manner to satisfy all that it is my inflexible purpose to discharge the trust confided in me without fear or favor.

J. B. Neil

Executive Department  
Boise City, Dec. 15, 1880.

Executive Department  
Boise City, Idaho Territory

Whereas at the General Election held on the second day of November A. D. 1880 in the Territory of Idaho at the usual places of holding said elections and

Whereas an abstract of the votes cast at said election in each county was in accordance with law transmitted to the Territorial Secretary and

Whereas said Secretary and the United States Marshall of the Territory, by his deputy, did on the second and fourth days of December, A. D. 1880, in the presence of the Governor of said Territory, canvass or count and examine the votes shown by said abstracts as cast for Delegate to Congress and for District Attorneys of the several Districts and did then and there find that from such abstracts duly certified George Ainslie received in said Territory four thousand six hundred and eleven votes for Delegate to Congress: that Alanson Smith received two thousand six hundred and twelve votes for Delegate to Congress: that Mason Brayman received nine hundred and twenty two votes for Delegate to Congress and that H. Crawford received in said Territory one vote for said office of Delegate to Congress.

And that A. Quackenbush received six hundred and seventy five votes for District Attorney for the first District and that E. W. Maxwell received five hundred and forty five votes for District Attorney in said District: And that for the second District James H. Hawley received sixteen hundred and twenty one votes for District Attorney and no other person was returned as voted for, for said office. And that for the third District Willard Crawford received two thousand and thirty six votes: and H. W. Bennett received one thousand eight hundred and eighty three votes for said office of District Attorney in said District.

Now, therefore be it known that I, John B. Neil, Governor of the Territory of Idaho, in obedience to law, do hereby declare that George Ainslie having received the highest number of votes cast at said election for Delegate to Congress is duly elected as such Delegate to represent the Territory of Idaho in the forty seventh Congress of the United States: And that A. Quackenbush having received the highest number of votes cast for District Attorney for the first District is hereby declared the duly elected District Attorney for said District: and that James R. Hawley having received the highest number of votes cast for District Attorney for the second District is hereby declared duly elected as District Attorney for said District: And that Willard Crawford having received the highest number of votes cast for District Attorney for the third District is hereby duly declared elected as District Attorney for said third District Attorney District.

I in testimony whereof I have hereunto set my hand and caused the seal of said Territory to be affixed.

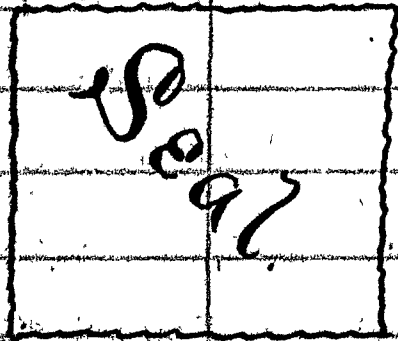
Done at my office in Boise City  
this 15th day of December A.D. 1880.

By the Governor.

John B. Neil.

R. A. Sidebotham,

Secretary.



Executive Department Idaho Territory  
Boise City. August 21, 1880.

Governor Neil this day left the Territory on leave of absence from the President, the duties of the Governorship being assumed by the Secretary.

Executive Department Idaho Territory.  
Boise City. November 2, 1880.

The said Governor Neil this <sup>day</sup> returned to the Territory and resumed the duties of the Governorship.

Executive Department — Idaho Territory  
Boise City, December 17, 1886

Hon John Bailey  
President of the Council

Sir:

I have this day approved Council Joint Resolution No. 1, authorizing the employment in each branch of the eleventh session of the Legislative Assembly, of one Assistant Chief Clerk, one Assistant Enrolling and Engrossing Clerk and one Door Keeper.

Very respectfully

Your obd. serv.

J. B. Weil  
Governor.

Executive Department — Idaho Territory  
Boise City, December 24, 1886.

Honorable John Bailey  
President of the Council.

Sir:

I have this day approved Council Bill No. 1, an act "granting leave of absence to E. J. Beatty, Probate Judge of Lemhi County"; Council Joint Resolution No. 3, "making an appropriation to defray the expense of a private secretary to the Governor"; and Council Concurrent Resolution No. 3, "directing the Finance Committee of the Council and House of Representatives to make a thorough investigation into the condition of affairs in the office of the Territorial Controller and Treasurer, with power to send for persons and papers."

Very respectfully

Your obd. serv.

J. B. Weil  
Governor.

Executive Department - Idaho Territory  
Boise City, December 27, 1880.

To the President of the Council  
Sir:

In accordance with the authority given me by Council Joint Resolution No. 3 approved Dec. 24, 1880, I have the honor to inform you that I have appointed Edwin K. Miller as private secretary to serve during the session of the Legislature.

Very respectfully,

Your obt. servt.

J. B. Heil

Governor

Executive Department - Idaho Territory  
Boise City, December 27, 1880.

To the Honorable President of the Council  
Sir:

Herewith I have the honor to submit a proposal for the introduction into the public schools of this Territory, of the "National series of school books." This proposition is made by Edward F. Adams, Manager for the Pacific Coast for the publications of A. S. Barnes & Co. of New York. It appears to me to be a very liberal one, and if it be found upon examination that the series is the best in use, or even a very good one, I urge its acceptance by the Legislature.

In this connection I wish to call special attention to the very excellent remarks of the Superintendent of Public Instruction in his last Report upon the subject of "Text Books." He says:

"Among the improvements greatly needed is that of the introduction of a uniform series of text books in our public schools. I would most earnestly recommend that this

branch of the subject receive the attention of our legislators. At present there is such a medley of books used in the various schools throughout the Territory, that a perfect organization of classes is an impossibility. Owing to this cause, the time and labor of the teacher is almost uselessly frittered away, in endeavoring to teach from as many different series of school books as there are families represented in the school room.

In cases where some kind of uniformity is insisted upon, and adopted in particular districts, parents are subjected to the expense of purchasing books of another series when compelled to remove into other districts. This is a source of great inconvenience and expense.

All these evils could be easily remedied by a law requiring the adoption of a uniform series."

I trust the defects here pointed out may receive proper consideration and that measures may be early adopted to remedy them.

A copy of this communication has been transmitted to the House of Representatives.

Very respectfully

Your obt. Servt.,

J. B. Keil.

Governor

Executive Department. Idaho Territory.  
Boise City, December 28, 1880.

To the President of the Council  
Sir:

I have this approved the following measures:  
Council Bill No. 10 Entitled An Act authorizing the decisions of the Supreme Court to be published and also Council Substituted for House Bill No. 6. entitled An Act authorizing and directing the collection of Hospital Tax in Nez Perce County approved Jan. 9<sup>th</sup> 1877 and an act amendatory thereof, approved Feb. 25<sup>th</sup> 1879.

Very respectfully

Your obdt. servt.

J. B. Neil  
Governor

Executive Department. Idaho Territory.  
Boise City, December 30, 1880.

To the Honorable President of the Council,  
Sir:

I have this day approved the following measures: Council Joint Resolution No. 4, and Council Bill No. 8 being an act to repeal an act, entitled an act to authorize the Commissioners of Alturas County to levy and collect a Special Tax for the purchase of fuel, lights, and stationary approved January 13<sup>th</sup> A. D. 1871.

Very respectfully

Your obdt. servt.

J. B. Neil  
Governor

Executive Department — Idaho Territory —  
 Boise City Dec. 30, 1880.  
 To the Honorable Speaker  
 of the House of Representatives:

Sir:

I have this day approved the following measures:  
 House Bill No. 4 "an act to amend section 56 of  
 an act" entitled "an act to provide a uniform  
 system of revenue and for assessing and collect-  
 ing the same" Approved Jan. 15, 1875, and also  
 House Bill No. 1 "an act fixing the salary of  
 the Assessor of the County of Nez Perce."

Very respectfully

Your obh. serv.

J. B. Neil  
 Governor

Executive Department. Idaho Territory. —  
 Boise City. December 30, 1880.

To the Honorable President  
 of the Council:

Sir:

I return herewith, without my approval Council  
 Joint Resolution No. 2, authorizing and direct-  
 ing a committee of the Legislative Assembly to vis-  
 it the Territorial Prison to inquire into the  
 condition of the prisoners and of their treatment  
 and report thereon.

My objection to the resolution is that it as-  
 sumes the right on the part of the Legislative  
 Assembly to investigate and inquire into the  
 conduct of an institution exclusively under  
 the control of the United States. This I ap-  
 prove was not the intention of the Legisla-  
 ture but that it was simply the purpose  
 of your body to inquire into the condition  
 and treatment of Territorial prisoners  
 confined in the Prison. If that is the in-  
 tention, and the resolution be amended  
 so as to make that fact apparent I will most  
 cheerfully approve it. — Very respectfully  
 Your obh. serv. J. B. Neil. Governor.

Executive Department Idaho Territory  
Boise City Dec. 31. 1880.

To the Honorable President of the Council  
Sir:

Herewith I transmit a communication addressed to me by Robert E. Strahorn. Beg with the request that be submitted to the body over which you preside.

Mr. Strahorn proposes the preparation of an immigration pamphlet for the Territory, provided no citizen of the Territory can be found who will undertake the important work.

There is no person more competent or having better facilities for this work, and I request for his proposal courteous consideration. My views upon this subject are fully set out in the communication delivered at the opening of your session, and it is unnecessary to add anything to the recommendations then submitted.

Very respectfully

Your obt. serv.

J. B. Heil  
Governor.

Executive Department, Idaho Territory,  
 Boise City, Dec. 31, 1888  
 To the Honorable Speaker  
 of the of Representatives:

Sir:

I herewith return without my approval  
 House Bill No. 7, entitled "an act to amend  
 an act creating and organizing the County  
 of Bear Lake," approved Jan. 5, 1875.

My objections to the bill are as follows:

1st. By section 2 of this bill the County of Bear  
 Lake is "required to pay to the County of Pocatello  
 the pro rata proportion of the County of Pocatello,  
 the amount to be ascertained from the as-  
 sessment Roll, after deducting from  
 the entire amount of said indebtedness  
 the cash in said Pocatello County Treasury"  
 Construing this language according to its  
 strict letter the Commissioners for Bear  
 Lake County might contend that all  
 moneys in the Pocatello County Treasury  
 must be counted and deducted from the in-  
 debtedness of said County, whether such  
 moneys properly to the county or applicable to  
 the indebtedness or not.

There are certain to be school funds and Ter-  
 ritorial funds in the County Treasury at  
 the time this duty is directed to be performed,  
 neither of which could be applied to the  
 payment of the county indebtedness; yet it  
 would be a violent construction of this act  
 to hold that it does not make it mandatory  
 upon the officers named for the purpose, to  
 count and deduct the money in such  
 funds from the total indebtedness of  
 Pocatello County, thereby making the pro  
 portion of the indebtedness to be assumed  
 by Bear Lake County somewhat smaller  
 than it would be if such funds should  
 not be counted. I am willing to concede  
 that the probability is the officers to

whom this duty is assigned, would act fairly and honorably in adjusting the proportions of the indebtedness to be assumed by Bear Lake County. Still in matters of so much importance, nothing should be left to chance.

2nd. The Board or Commission provided by the bill to perform the duty above mentioned, consists of two of the County officers of Bear Lake and but one of the Oneida County officers.

In a matter of so much importance to her interests Oneida County is entitled to an equal representation on the Board. Especially as its decision or the result reached by it is made final: Under the bill as it stands, the two members of the Board from Bear Lake County, being a majority thereof could make an adjustment of the affairs which it is authorized to settle, wholly unjust to Oneida County.

In the features pointed out the measure does not seem to me to be sufficiently explicit and guarded, and I am therefore constrained to withhold my approval.

In addition to these objections I would suggest whether it is wise to extend county limits in any instances. There is good reason to believe that there will be a large accession to our population before a great while, and it is highly that every measure of this nature will have to be made by future legislation.

When there is sufficient population to justify the forming of two or more counties out of one, it should be done. The adding of a large area of county containing but few inhabitants to Bear Lake County is a step in the wrong direction, and one which on general principles I am indisposed to favor. There may be reasons why an exception should be made in this case, but if so, I have

not been advised of them.

Very Respectfully

Your Obt. Serv.

J. B. Keil.

Governor

Executive Department, Idaho Territory.

Boise City, Jan 4<sup>th</sup> 1881

To the Honorable Speaker  
of the House of Representatives:  
Sir,

Herewith I have the honor to transmit a communication from the Secretary of the Washington National Monument Society, addressed to my predecessor, inviting this Territory to present a memorial block of native ore or stone, for insertion in the monument now being erected at Washington, D. C. to the memory of George Washington.

This is a grand work, and the plan which contemplates that every State and Territory of this great Nation shall be represented therein is a most commendable one, and should receive the earnest support of those whose duty it is to provide the memorial block requested of each State and Territory.

I urge speedy and favorable action upon the request of the Monument Society, and respectfully suggest that the memorial block for this Territory be of native ore, so that, while silently testifying to our respect and admiration for the greatness, goodness and patriotism of the Father of our country, it may at the same time represent our chief interest in the mining industry - upon which our prosperity hinges.

Very respectfully,

Your Obt. Serv.

J. B. Keil.

Governor.

Executive Department - Idaho Territory  
Boise City, Jan. 4, 1881

To the Honorable President of the Council.  
Sir:

Herewith I return without my approval Council Bill No. 12. To provide for stock districts in the County of Bear Lake, Idaho Territory, for creating Stock Boards for such districts and for the "Round up of Cattle"

My reasons for this action are as follows:  
1st. By section 11 of the bill, all stock remaining unclaimed after the general "round up", provided for in section 10, is declared the property of the county, if unclaimed before the expiration of thirty days, and the sale of such stock is directed.

This, I think, is undertaken to be done without sufficient notice of a public nature, directing the owners of such stock to appear and prove property. It is doubtful whether this provision would stand a test in the Courts, as it is a well settled principle of law that interest in property cannot be forfeited without due notice of a public character. I would therefore suggest that the published notice of sale provided for in section 11 contain also a notice to the owner or owners of strays to appear and prove ownership either before or on the day appointed for the sale.

2nd. The provision whereby the proceeds of such sales are directed to be turned in to the general school is a very good one, but as the time within which owners may appear to claim stray stock, must necessarily be short, owing to the expense of keeping and feeding cattle in Bear Lake County, during the winter season especially, it would seem proper to

give an owner a reasonable time after the proceeds derived from an estray sale have been turned into the Treasury, within which to appear and after submitting satisfactory evidence of ownership, be permitted to receive the net amount received from such sale.

I have made my objections in the nature of suggestions and if the bill be made to conform thereto, it will receive my approval.

Very Respectfully  
Your obd. servt.

J. B. Heil  
Governor

Executive Department Idaho Territory,  
Boise City, Jan 6. 1881

To the Honourable Speaker of the House of Representatives  
Sir:

I have this day approved House Bill No 13,  
"to extend the powers of the Board of County Commissioners of Boise County, relating to road contracts"

Very respectfully

Your obd. servt.

J. B. Heil  
Governor

Executive Department Idaho Territory  
Boise City, Jan. 6, 1881.

To the Honorable Speaker  
of the House of Representatives.  
Sir:

I return herewith without my approval  
House Bill No. 33 "relating to sheep in Bear  
Lake County"

My objection to the bill is that it makes in  
my opinion, an unnecessary, illiberal and  
sweeping discrimination against one of the  
most important interests of the Territory.

A similar law applicable to several of the  
counties of the Territory, has been found so  
manifestly unjust as to be inoperative and  
few if any attempts have been made to enforce it.  
Indeed so general has been the demand for  
its repeal, that, I am informed the Legis-  
lative Assembly has at this session, adopted  
a bill for its repeal. If this be true, it does  
not seem consistent to make regulations  
regarding the wool growing industry for  
Bear Lake County which have been found so  
obnoxious elsewhere.

Regulations governing the herding of cattle  
and sheep so framed as to prevent conflict  
between those interests, would be eminently  
proper. Both should be encouraged  
neither prohibited as would practically  
be the effect in one county, should this  
bill become a law.

I would also respectfully suggest for your con-  
sideration whether this bill does not con-  
tain features of an unconstitutional nature.

Very respectfully

Your ob. serv.

J. B. Weil.

Governor.

Executive Department - Idaho Territory  
 Boise City, Jan. 6, 1881

To the Honorable Speaker  
 of the House of Representatives:

Sir:

Herewith I have the honor to return House Memorial No. 1 for the reason that I have no authority to approve or disapprove memorials. The subject matter of the memorial shows it to be a petition of the Legislative Assembly of the Territory of Idaho, setting out the facts in relation to the services of certain citizens of the Territory, during the Indian wars of 1877 and 1878, and praying Congress to make the necessary appropriation to compensate them for such services.

The right of petition is guaranteed to every citizen by the Constitution, and when you memorialize Congress to redress grievances or to do certain acts which that body alone can do, it is simply an exercise of that right. It is not in any sense an exercise of the powers conferred upon the Legislative Assembly. The legislative power of the Territory consists of a Governor and Legislative Assembly.

Section 1842 of the Revised Statutes provides that "every bill which has passed the Legislative Assembly of any Territory shall before it becomes a law be presented to the Governor. If he approve he shall sign it, but if not, he shall return it, with his objections, to that House in which it originated and that House shall enter the objections at large upon its journal, and proceed to reconsider it." The same section further provides that if two thirds of each House pass a bill over the Governor's objection it then becomes a law.

The best authorities define the term "a law" to be: "A rule or order of conduct established by authority: an edict of a government or

Executive Department Idaho Territory  
Boise City Jan. 6, 1881

To the Honorable Speaker  
of the House of Representatives:  
Sir.

I return herewith without my approval  
House Bill No. 33 "relating to sheep in Bear  
Lake County"

My objection to the bill is that it makes in  
my opinion, an unnecessary, illiberal and  
sweeping discrimination against one of the  
most important interests of the Territory.

A similar law applicable to several of the  
counties of the Territory, has been found so  
manifestly unjust as to be inoperative and  
few if any attempts have been made to enforce it.  
Indeed so general has been the demand for  
its repeal, that, I am informed the Legis-  
lative Assembly has at this session, adopted  
a bill for its repeal. If this be true, it does  
not seem consistent to make regulations  
regarding the wool growing industry for  
Bear Lake County, which have been found so  
obnoxious elsewhere.

Regulations governing the herding of cattle  
and sheep so framed as to prevent conflict  
between those interests, would be eminently  
proper. Both should be encouraged  
neither prohibited as would practically  
be the effect in one county, should this  
bill become a law.

I would also respectfully suggest for your con-  
sideration whether this bill does not con-  
tain features of an unconstitutional nature.

Very respectfully

Your ob. serv.

J. B. Heil.

Governor

Executive Department - Idaho Territory  
 Boise City, Jan. 6, 1881

To the Honorable Speaker  
 of the House of Representatives:  
 Sir:

Herewith I have the honor to return House Memorial No. 1 for the reason that I have no authority to approve or disapprove memorials. The subject matter of the memorial shows it to be a petition of the Legislative Assembly of the Territory of Idaho setting out the facts in relation to the services of certain citizens of the Territory, during the Indian wars of 1877 and 1878, and praying Congress to make the necessary appropriation to compensate them for such services.

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Section 1842 of the Revised Statutes provides that "every bill which has passed the Legislative Assembly of any Territory shall before it becomes a law be presented to the Governor. If he approve he shall sign it but if not, he shall return it with his objections to that House in which it originated and that House shall enter the objections at large upon its journal, and proceed to reconsider it." The same section further provides that if two thirds of each House pass a bill over the Governor's objection it then becomes a law.

The best authorities define the term "a law" to be: "A rule or order of conduct established by authority: an edict of a government or

rule: a fixed regulation: an expressed command: a decree: an order."

The memorial under consideration would not become a law if approved by me or if disapproved and passed over my objections, for it lays down no rule or order of conduct for the control of the inhabitants of this Territory, nor would it be a fixed regulation, an expressed command, a decree or an order of the Legislative power of this Territory.

As before stated I regard this memorial as simply an exercise of the right of petition, and as there is no where any authority conferred upon the Governor to interpose objections which might result in a denial of that right it follows as a matter of course that he is not vested with the prerogative of approval. To hold otherwise would be to admit that he may disapprove.

It is my purpose to guard with jealous care all the prerogative with which I am invested, but in doing this I shall endeavor to scrupulously avoid interference with the rights of others.

I return the memorial with these remarks in order that it may be put in the proper channel to reach its destination.

I will add that this particular prayer of the Legislative Assembly meets my hearty approval, and it will afford me infinite pleasure to join with you, in the effort to secure appropriate action by Congress to suitably reward those who so valiantly risked their lives to defend the lives and save the property of our people during the relentless and merciless war waged by the Indians in 1874 and 1878.

Very respectfully

Your obt. serv.

J. B. Neil

Governor.

Executive Department Idaho Territory  
Boise City, January 7, 1881.

To the Honourable President of the Council:  
Sir,

I have this day approved Council Bill No. 2 "to amend an Act entitled "an Act concerning rights of way, easements and other necessary means for the development of mines" Approved Jan. 12, 1877.

Very respectfully

Your ob. serv.

J. B. Weil  
Governor.

Executive Department Idaho Territory  
Boise City, Jan. 8, 1881.

To the Honourable Speaker  
of the House of Representatives:  
Sir,

I have this day approved the following measures:

House Bill No. 8 "to create a Contingent Fund in Shoshone County" also House Bill No. 16 "regulating the salary of certain officers of Washington County."

Very respectfully,

Your ob. serv.

J. B. Weil  
Governor.

Executive Department Idaho Territory  
Boise City Jan. 8. 1881

To the Hon. President of the Council:

Sir:

I have this day approved the following measures:

Council Bill No. 16 "to create and organize the County of Custer." also Council Bill No. 25 "to authorize the transfer of certain moneys to the General Fund in Shoshone County and to cancel the indebtedness of said fund to the School Fund of said County."

Very respectfully

Your obh. serv.

J. B. Heil

Governor

Executive Department Idaho Territory  
Boise City Jan. 10. 1881.

To the Hon. President of the Council:

Sir:

I have this day approved the following measures: Council Bill No. 17 "to amend an act concerning County Treasurers" approved Jan. 12. 1875. also Council Bill No. 25 "regulating the salary and fees of the Probate Judge of Shoshone County."

Very respectfully

Your obh. serv.

J. B. Heil

Governor

Executive Department — Idaho Territory  
Boise City, January 10, 1881

To the Honorable Speaker  
of the House of Representatives  
Sir,

I herewith return without approval House Joint Resolution No. 2 providing for a committee of the Legislative Assembly, to visit the Territorial Prison, to inquire into the condition of the prisoners and of their treatment, and report thereon.

A resolution identically the same was certified to me on December 29<sup>th</sup> 1880 as Council Joint Resolution No. 2 and which I returned to the Council December 30<sup>th</sup> 1880, without my approval, stating the following reasons which I now repeat as my reasons for returning House Joint Resolution No. 2.

"My objection to the resolution is that it assumes a right on the part of the Legislature to investigate and inquire into the conduct of an institution exclusively under the control of the United States. This I apprehend was not the intention of the Legislature, but that it was simply the purpose to inquire into the condition and treatment of Territorial prisoners in the Prison. If that is the intention and the resolution be amended so as to make that fact apparent, I will most cheerfully approve it.

As a further objection to the resolution I will state that if abuses are supposed to exist in the management of the Prison, the resolution is not framed to discover them. A mere visit to the Prison by a committee simply empowered to inquire into the condition and treatment of the prisoners will not result in bringing to light the supposed abuses. The inquiries directed by the resolution could only be addressed to those in charge of the Prison, and it is reasonable to suppose they would make the best possible showing of the condi-

tion and treatment of those under their charge. If there are well founded reports or allegations of misconduct, etc. in the management of the Territorial Prison, I would respectfully suggest that the Committees of the two Houses on Territorial affairs, be directed to make a thorough investigation into such charges with full power conferred to take testimony and send for persons and papers.

No one will deny the right of the Legislature to direct one of its committees to undertake an investigation of this character, but it is quite clear to my mind that your committee could not compel the officer in charge to produce his books and papers, or to appear before said committee and testify.

Very respectfully

Your obt. serv.

J. B. Weil.

Governor

Executive Department Idaho Territory  
Boise City January 13. 1881

To the Honorable President of the Council:  
Sir:

I have this day approved Council Bill No. 27  
"to provide for Stock Districts in the County of  
Bear Lake, Idaho Territory, for creating Stock  
Boards for such Districts and for the Round  
up of Cattle."

A copy of Council Memorial No. 3 requesting  
the Secretary of War to increase the military  
force at Boise Barracks will be forwarded  
at an early day with a communication  
urging that favorable action be taken on the petition of the  
Legislative Assembly.

Very respectfully

Your obt. serv.

J. B. Heil  
Governor.

Executive Department Idaho Territory  
Boise City Jan. 15. 1881

To the Hon. President of the Council:  
Sir:

I have the honor to inform you that I am in re-  
ceipt of a certified copy of an act of Congress approv-  
ed Dec. 23. 1880 whereby section 1852 of the Revised  
Statutes of the United States is amended to read as  
follows: "The sessions of the Legislative Assemblies  
of the several Territories of the United States shall  
be limited to sixty days duration."

A copy of this communication has been transmit-  
ted to the Speaker of the House.

Very respectfully

Your obt. serv.

J. B. Heil

Governor.

Executive Department - Idaho Territory  
Boise City, Jan. 15 1881

To the Hon. Speaker of the House of Representatives:  
Sir:

I have this day approved House Bill No. 43  
"to repeal an act entitled an act to incorporate  
Franklin City in Oneida County."

Also House Bill No. 24 "fixing the salaries of  
certain officers in Oneida County."

In regard to the latter measure permit me to  
suggest that you have probably reduced the compen-  
sation of County Treasurer to a point where it  
will be almost impossible to secure a compe-  
tent person of undoubted integrity to undertake  
the duties of the office.

However, I do not wish to jeopardize by  
withholding approval - because of an unreasona-  
ble reduction of the Treasurer's salary - the success  
of a measure so earnestly desired by most of those  
it affects. I understand most of the officers to  
be immediately affected by this reduction were  
pledged to the measure before the election, and  
I do not care to interpose objections that might  
defeat their wishes, though I am opposed  
to that sort of economy which will prevent  
good men from taking office.

Very respectfully,

Your obt. serv.

J. B. Heil  
Governor

Rutherford B Hayes  
President of the United States of America

To all to whom these presents shall come Greeting

Know ye, That reposing special trust and confidence in the Integrity, Diligence and Discretion of John B. Neil of Salt Lake City Utah I have nominated, and by and with the advice and consent of the Senate, do appoint him to be Governor of the Territory of Idaho and do authorize and empower him to execute and fulfil the duties of that Office according to law, and to have and to hold the said office with all the rights and emoluments thereto appertaining unto him the said John B. Neil during the term of four years from the 14<sup>th</sup> day of December <sup>1880</sup> unless this Commission be sooner revoked by the President of the United States for the time being.

In testimony whereof I have caused these Letters to be made Patent, and the Seal of the Department of the Interior, to be hereunto affixed.

(Done)  
Given under my hand at the City of Washington the fourth day of January in the year of our Lord one thousand eight hundred and eighty one and of the Independence of the United States of America the one hundred and fifth.

By the President

R B Hayes

L Schurz  
Secretary of the Interior.

Oath

I John B. Neil do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

John B. Neil

Sworn to and subscribed  
before me this 17<sup>th</sup> day of  
January. A. D. 1881.

H. S. Prickett

Ass. Justice Supreme Court  
of Idaho Territory

Executive Department, Idaho Territory  
Boise City, January 17, 1888

To the Honorable Speaker  
of the House of Representatives:  
Sir:

Herewith I return without approval House Bill No. 39 to amend an act entitled an act creating and organizing the County of Bear Lake. On December 31 last I returned to the House with my objections a bill with precisely the same title and designed to accomplish the same purpose. Upon examination I find the bill now before me to be a reproduction of the former one with the exception of the addition of one or two new clauses, intended to overcome the defects pointed out in the former measure and which were given as objections to it. The defects found to exist in House Bill No. 7, are cured by the bill now under consideration and if I had stated no other objection to the original bill, the present one might possibly receive my approval. But it will be remembered that in returning House Bill No. 7 I very explicitly stated as an additional objection to it

that I did not regard it as wise to extend county limits in any instance, and gave as one of the reasons for withholding approval that I believed it to be a step in the wrong direction and one which on general principle I was not disposed to favor. To withhold approval of a measure, because it is believed to be contrary to sound public policy constitutes as valid an objection as any that may be urged. Having made such an objection to House Bill No. 7 and the House having passed upon and sustained that objection with the others by refusing to reconsider the bill I am of the opinion that it was contrary to parliamentary custom and usage to re-enact and return for my consideration a

measure that by the action of the House was killed. That the bill before me is the same as House Bill No. 7. Although containing some new matter is quite evident for it would accomplish precisely the same end, should it become a law. The fact that the House has already passed upon the objections of the Governor urged against this identical measure and refused to reconsider the same, is sufficient objection to the present bill.

But I do not propose to rest upon an objection by which I may seem to question the rights or prerogatives of the House, though I disclaim any such intention.

I shall proceed to consider House Bill No. 39, as an entirely new, different and independent measure, and state my objections to it to be:

First, A large majority of the people of Oneida County, including nearly all of the heaviest taxpayers, oppose the sacrifice of territory contemplated by the bill. Of those persons living in the portion of Oneida County proposed to be ceded to Bear Lake at least one half are opposed to a change of county jurisdiction.

Outside of the Malad valley there is no genuine sentiment in favor of this bill, and the reason the people of that section support the bill is well understood. To them no sacrifice of territory seems too great if thereby the calamity of a removal of the county seat may be averted.

They cannot be blamed for supporting this measure because it will to some extent, weaken the vote of those who favor a removal of the county seat. But the fact that they favor this measure for the reason stated, should operate to prevent any weight being given to

upon its own merits solely. It is doubtful whether this measure would meet the approbation of a dozen citizens of Oneida County. In an elaborate report made to the Council upon a similar measure, the distinguished Chairman of the Committee upon Counties and County Boundaries said: "Your committee are impressed with the conviction that an important element in considering measures of this nature, arises ordinarily upon the question of fact as to whether the community to be affected or included in the country to be transferred, desire the change. xxx I in changing lines of division between contiguous counties, enlarging some and contracting others, it has never, we believe been regarded as good policy to tolerate the sale by one and the purchase by another of territorial area, nor should the disposition of such jurisdiction be permitted at the option of the contracting parties."

These views are sound and there ought to be no dissent from them. They apply with great force to the present case. This measure is opposed by at least two thirds of the people of Oneida County, and is supported by the other third from motives that should render their support nugatory. This being the fact, it ought not to be forced upon Oneida County at the dictation of Bear Lake. I am aware that with one exception, the bill received the votes of the members of the Legislature from Oneida County. I am also aware that this was the result of a compromise. It is my duty to remind you that

such compromises not infrequently partake of the character of an ultimatum whereby a victor dictates terms to the vanquished as was the case when France ceded the provinces of Alsace and Lorraine to Germany.

Second. The provision of the bill establishing the northern boundary of Bear Lake County at the  $43^{\circ}$  of North latitude, is an insuperable objection to it. This is purely an imaginary line, not ascertainable except by an astronomical observation or survey. Indeed to accurately locate the proposed line several observations would be necessary. To make a survey of this nature requires very great scientific knowledge, and the use of very expensive instruments. There may be persons in Idaho competent to perform the work yet it is doubtful whether there is an instrument in the Territory suitable for the purpose.

Moreover, it would be a very expensive method of fixing the boundary line.

To locate an initial point and run the line would cost not less than \$5000.00

This expense would have to be borne equally by the two counties bordering upon the line. As Owyhee will derive no appreciable benefit from the proposed cession of territory I can see no justice or reason for imposing a considerable an expense upon that county.

I presume it was not the intention of the Legislature to merely designate the  $43^{\text{rd}}$  parallel as the boundary line and leave the exact line of division between the counties of Bear Lake & Owyhee an open question. The bad effect of leaving these important questions to "guess work" is clearly shown in the case of Lemhi and Aluras Counties. If because of the ex-

peruse there should be a failure to survey the 43rd parallel, a great wrong would be done not only to the counties interested but to a large number of individuals residing therein.

Numerous disputes and interminable litigation of a vexatious character would certainly arise.

I am fully satisfied that it was not the intention of the Legislative Assembly to sanction a measure calculated <sup>bring</sup> about so deplorable a state of affairs.

As a further reason for rejecting the 43rd parallel as the northern line of Bear Lake I will add that it is probable, in the Territory thus acquired by that county, would be included the Caribou Mining District. This statement is based upon information derived from an official source.

Whether this is the fact or not, can only be determined by a survey. As it will not be contended that a single person living, or interested in that district, desires a change of county government. I presume this feature of the bill must have been inadvertently overlooked by the Legislature.

Third. I must reiterate the objection made against the first bill, namely, that it is not best to enlarge county limits in any case, unless there be some imperative necessity. Therefore in this instance none such exists. Bear Lake is the most compact one in the Territory. It is well defined by natural boundaries, contains an area of valuable land capable of sustaining a large population in comfort. The county seat is centrally located, and can be reached by all the people without inconvenience. The adding of so large an area to its limits, and the settlement therein of a large number of people, will certainly necessitate a division of the county in the near future.

Finally, there is no advantage that Bear Lake County will derive from this proposed addition that will be compensation for the expense, disputes, litigation and embarrasments sure to follow if this bill becomes a law.

Very respectfully,

Your obt. serv.

J. B. Weil  
Governor

Executive Department Idaho Territory  
Boise City, January 22 1881.

To the Honorable Speaker  
of the House of Representatives:  
Sir:

I have this day approved House Bill No. 29  
"Relating to Insurance Companies."

Very Respectfully

Your obt. serv.

J. B. Weil  
Governor

## Secretary's Oath of Office

I Theodore T. Tugiser do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability I will support and defend the

Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Signed

Theodore T. Tugiser

Sworn to and subscribed  
before me this 19<sup>th</sup> day of January  
A. D. 1881

Signed

R. E. Fickert  
Assoc. Justice Supreme Court  
of Idaho

Executive Department, Idaho Territory.  
Boise City Jan 22, 1881.

To the Hon. President of the Council:  
Sir,

I have this day approved Council Bill No. 30. to prohibit the keeping of places of resort for smoking opium.

Council Bill No. 6. to amend an act entitled an act to regulate proceedings in criminal cases in the Courts of Justice in the Territory of Idaho. approved January 14<sup>th</sup> 1875.

Council Bill No. 18 regulating logs found trespassing in the counties of Ada, Hager, Perce, Pocatello, Alturas, Bear Lake, Lemhi, and a part of Washington in the Territory of Idaho and Council Bill No. 26. to provide for branch county jails in Alturas County.

Very respectfully,

Your ob. serv.

J. B. Heil

Governor.

Executive Department, Idaho Territory.  
Boise City January 25, 1881.

To the Hon. Speaker of the House of Representatives:  
Sir,

I have this day approved House Bill No. 45 "Creating a Contingent Fund in Cassia County," House Bill No. 51 "Regulating the salary of the Probate Judge of Custer County," and House Bill No. 46 "Providing for the maintenance of the Territory of Idaho."

Very respectfully,

Your ob. serv.

J. B. Heil

Governor.

Executive Department Idaho Territory  
 Boise City, January 28<sup>th</sup> 1881

To the Hon Speaker of the House of Representatives  
 Sir,

I have this day approved House Bill No 53  
 'to restrain the herding of sheep in Bear Lake County'  
 In as much as I have heretofore objected to a similar  
 bill, for the reason that I believed it to be unconstitutional  
 and of an oppressive character toward a very im-  
 portant interest, I deem it proper to state why  
 I now approve a bill of the same character.  
 I still hold to my former opinion, and it is with  
 reluctance that I yield my determination to use my  
 position as a coordinate branch of the Legislative  
 power, to prevent the encumbering of our stat-  
 ute books with unconstitutional measures.  
 Without receding from my former objections I  
 give my approval to House Bill No 53. because  
 it is represented to me that the people of Bear  
 Lake County are very anxious to make the attempt  
 to enforce its provisions in that County. I am  
 willing they should have the opportunity, confident  
 however, that if any person chooses to resist its  
 enforcement and carries the question into the  
 Courts, the law will be set aside.

I have also this day approved House Bill No 17  
 "to amend an act entitled 'an act to provide for  
 the better maintenance of indigent sick, idiotic  
 and insane persons in the several counties of  
 this Territory,'" and House Bill No 66 "to pro-  
 vide for the payment of outstanding warrants  
 against the general road fund of Idaho County."

Very respectfully  
 Your obt. serv  
 J. B. Heil  
 Governor

Executive Department Idaho Territory  
Boise City, January 28, 1881.

To the Hon. President of the Council:  
Sir:

I have this day approved Council Bill No. 28 "to amend an act entitled to provide a uniform system of Territorial and County revenue, and for the assessing and collecting the same," and Council Bill No. 31 "to amend an act entitled an act "to incorporate Boise City in Ada County."

Very respectfully

Your obt. serv.

J. B. Heil  
Governor.

Executive Department. Idaho Territory.  
Boise City, January 29, 1881.

To the Hon. President of the Council:  
Sir:

I have this day approved Council Bill No. 29. "Empowering the Governor of this Territory to contract for the publication of a work on the resources of this Territory," and Council Bill No. 36. regulating the salary and fees of the Probate Judge of Owyhee County.

Very respectfully

Your obt. serv.

J. B. Heil  
Governor.

Executive Department - Idaho Territory  
Boise City, Feb. 1, 1881.

To the Hon. Speaker  
of the House of Representatives:  
Sir:

I have this day approved House Bill No. 58 "fixing the salaries of the Sheriff and Auditor of Washington County" House Bill No. 50 "to re-locate the County Seat of Alturas County" House Bill No. 63 "regulating the salary of the Probate Judge of Idaho County" and House Bill No. 52 "legalizing certain records in Lemhi County."

Very respectfully

Your Obedt. servt.

J. B. Keil  
Governor.

Executive Department - Idaho Territory  
Boise City, Feb. 1, 1881.

To the Hon. President of the Council:  
Sir:

I have this day approved Council Bill No. 40 "defining the duties of the Treasurer of Alturas County" Council Bill No. 44 "authorizing the auditor of the County of Alturas to issue new warrants in lieu of certain old ones" Council Bill No. 13 "regulating Roads, Highways, and Public Thoroughfares in Idaho Territory" and Council Bill No. 11 to establish a Code of Civil Procedure.

Very respectfully

Your Obedt. servt.

J. B. Keil  
Governor.

Executive Department in Idaho Territory  
Boise City February 4 1881

To the Hon. Speaker of the House of Representatives:  
Sir:

I have this day approved House Bill No. 38 "to amend an Act creating the Board of County Commissioners and defining their duties and powers" Approved Jan. 15, 1875.

House Bill No. 68 "to regulate the compensation of the Clerk of the Board of County Commissioners of Nez Perce County".

House Bill No. 37 supplementary to an Act entitled an Act regulating enclosures and to prevent the trespassing of animals approved Jan. 10, 1867.

Very respectfully

Your obt. servt.

J. B. Keil,  
Governor.

Executive Department in Idaho Territory.  
Boise City. February. 4. 1881.

To the Hon. President of the Council:  
Sir:

I have this day approved Council Bill No. 43 "to create the Independent School District of Boise City, and to provide for establishing and maintaining a Graded Public School therein." Council Bill No. 38 "to authorize the County Commissioners of Alameda County to grant a salary to the Probate Judge of said County." and Council Bill No. 14 "establishing District Courts in each of the organized Counties of this Territory, and providing for the expenses thereof."

Very respectfully

Your obt. servt.

J. B. Keil,

Governor.

# Special Message John B. Keil

Gentlemen of the Council  
and House of Representatives:

The Act approved January 28, 1881, amending section one of the revenue law, whereby the tax levy for Territorial purposes is largely reduced, will cause you to be held in grateful remembrance by your constituents. This Act received very careful consideration and was not adopted until the friends of the measure made it apparent that a sum adequate for all purposes would be realized. But these estimates were based upon the assumption that the present prosperous condition of affairs in the Territory would continue, and that there is likely to be a large increase in the value of taxable property within the next two years. The possibility of a depression in business, or a decline in the value of one or more classes of property, from any cause whatever, was not taken into consideration. If there should be a falling off of the value of our taxable property, the tax levy would be insufficient to meet current expenses. A considerable floating indebtedness, drawing interest, would thereby be created. To meet such a contingency, I suggest the wisdom of providing for the levying of a small special tax, to be denominated a Sinking Fund, and which, if not required for the purpose specified, shall be held in reserve for the redemption of the Territorial Bonds maturing in 1883. It might be safe to postpone the beginning of such special levy until the year 1883, but that this Legislative Assembly <sup>should provide</sup> some measure of the kind, is in my judgment, imperatively demanded. There exists in the minds of many of our best citizens an apprehension that so

large a reduction of taxes, as has been made, is calculated to injuriously affect the present excellent credit of the Territory. To allay such fears, and avert a disaster that will be hurtful to the interests of the Territory, I trust you may now supplement the Act relieving the people from a considerable burden of taxation by one of assurance to creditors, that their interests are to be carefully guarded. A measure of this kind would meet the approbation of all good citizens.

In concluding this subject, permit me to call your attention to the fears very generally entertained by wise, prudent business men of the East, that the present mania for wild, fancy speculations, is likely to result in a most disastrous panic. Every interest in this Territory would be sensibly affected by such a catastrophe, and I urge the wisdom of making provision for the payment of our debts while we are in a prosperous condition and abundantly able to do so.

### Polygamy.

I must again direct attention to the spread of polygamy in this Territory, under the fostering influence of the mormon church. As the very reasonable suggestions contained in my communication delivered at the opening of your session, have not yet been acted upon, I deem it proper to once more advert to the subject, and urge the immediate adoption of stringent measures to extirpate the evil.

Polygamy is a doctrine of the mormon church, and the practice is urged and made obligatory upon the members of the church for the purpose of binding them more firmly to the organization. The mormon leaders have shrewdly calculated, that, by making of the society a large community of interest in crime, its members can be the more easily persuaded and influenced to aid in carrying into execution the political schemes of the priesthood.

The more men and women induced to enter criminal relations, and the larger the num-

ber of children born in such relations, the stronger the organization becomes.

The law regards the polygamist as a criminal and all civilized society looks upon the plural wife as a concubine, and upon her children, to use the least offensive term, as illegitimate. From the penalties imposed by the law, the polygamist naturally goes for protection and defense to the church. Banished from and ostracised by all other society, the plural wife and her children turn instinctively to the same institution for sympathy, and to hear those words of comfort and cheer so necessary to the confiding nature of women and children. Again: The practice is calculated to draw to the mormon church the most vicious and sensual classes of society.

It is obvious, therefore, that polygamy is an element of strength to the church.

Those who are familiar with the political policy of the mormon church understand why all practices, devices, and ceremonies calculated to crush out manhood and independence, have been incorporated into the mormon religious system. It is for the purpose of moulding the minds of the members of the church, so that they will yield implicit obedience to the advice of counsel and the commands of the priesthood. Polygamy to attract the sensual endowment robes, secret oaths, rude, barbarous ceremonies and mummeries, to impress and awe the minds of the weak, ignorant and superstitious, are some of the methods, devices, etc., adapted to secure a spirit of obedience among the latter day saints. It must be admitted the means employed have been successful, and that a very powerful organization has been built up, every member of which professes to believe that the design of its leaders to subvert this government, and on its ruins to erect a theocracy, will ultimately succeed. This may seem even a wild fantasy, but

I submit, in view of what has already been accomplished by the mormon church, whether it is wise to longer ignore the fact that we have in our midst a numerous sect, fully imbued with the idea that they are to rule the land.

No mistaken regard for that clause of the constitution which guarantees to every person the right to worship God according to the dictates of his own conscience, should be permitted to stand in the way of a rigid enforcement of the laws against those who insist that it confers upon them license to commit crime. The fact that the practice of polygamy tends to strengthen the mormon church, and makes it more powerful for the accomplishment of the political aspirations of its leaders, renders it imperatively necessary that the practice be suppressed.

With polygamy completely crushed, the power of the priesthood will, to some extent, be broken, and an advance made toward the disintegration of the church. That this must be the end, all agree who have given the subject serious study and investigation of the church. That this must be the end, all agree who have given the subject serious study and investigation: but the people of this country have not yet given the question the consideration necessary to convince them that the mormons are reaching for temporal power in the United States. They are making rapid strides toward the attainment of that purpose on the Pacific coast. Utah is completely under their control, and by the "spreading out" policy they are seeking to overrun and subvert the States of Colorado and Nevada, and the Territories of Arizona, Idaho, New Mexico and Wyoming. It is certainly time to recognize the situation, and provide by legislation for the severe punishment of all who preach or practice polygamy, and all who in the name of religion, seek to undermine the allegiance of citizens to the United States. So long as you tolerate the sort of encroachments that are being made upon the Territory by the

Witch theocracy, and permit polygamy to be practiced and treasonable doctrines to be preached, you are fostering an element inimical to the peace and security of the Territory.

The Vatican never inaugurated more insidious aggressive measures for the complete union of church and state, than those set on foot by Brigham Young and other leaders of the mormons. If the Pope were to establish himself in one of our Territories, and from that point undertake to subdue the surrounding States and Territories, the people would speedily suppress the attempt, yet the Church of Rome teaches no indecencies, but on the contrary, if all men were to follow its moral and religious instructions, the world would be the better. How then has the mormon church, clothed in sensuality, succeeded in attaining such power and proportions? The question is not difficult to answer: its very grotesqueness and barbarity have been its protection - the country believing a thing so absurd would more quickly fall to pieces if let alone - and for this reason, the efforts of the church to secure temporal power, have been regarded with indifference. But unless this "peculiar people" renounce their criminal practices, and political aims, the time must soon come when it will be the duty of the government to root out mormonism, and all that the term implies. That such a conflict would end in the complete destruction of the mormon church, is no reasonable doubt.

But, gentlemen of the Legislative Assembly, it is not my purpose to urge the adoption of measures for the suppression of the mormon church. All that I now desire is that, this sect be made to obey the laws, and that they shall not be permitted to preach or practice crimes,

nor preach or teach doctrines of hostility to the United States.

I renew the suggestions heretofore made, namely, that the aid of Congress be invoked, and such needed amendments be made to the laws of the Territory, as will secure the end sought.

I have endeavored to clearly point out the situation to you, candidly and fairly, setting down naught in malice. It is for you to determine just what measures are necessary to eradicate the evils disclosed.

Respectfully,

J. B. Weil,  
Governor.

Executive Office,

Boise City, Feb. 5. 1881.

Executive Department Idaho Territory.  
Boise City, Feb. 7. 1881.

To the Hon. Speaker of the House of Representatives:  
Sir:

I have this day approved House Bill No. 49. "to amend an act entitled an act relating to fences and trespasses in the Counties of Nez Perce, Owyhee, and Idaho"; House Bill No. 55. "to prevent stallions from running at large in Owyhee County"; House Bill No. 72. "to fill vacancies in the Board of County Commissioners of Lemhi County"; House Bill No. 69. "to amend an act entitled an act to allow valuable stallions kept for breeding purposes to run at large with the band of their owner or owners"; approved Feb. 20. 1879. and House Bill No. 82. "to purchase and repair or construct a bridge across Bear River in Owyhee County."

Very respectfully,

Your obt. servt.

J. B. Weil

Governor.

Executive Department ~~in~~ Idaho Territory  
Boise City, Feb. 7, 1881

To the Hon. President of the Council:  
Sir:

I have this day approved Council Bill No. 51 regulating the distribution of water for purposes of irrigation. Council Bill No. 47 "better to secure the purity of elections and provide for cases of contested elections" Council Bill No. 42 "to dissolve the bonds of matrimony between Mary Reed and Albert Reed her husband."

Very respectfully,  
Your obt. servt.  
J. B. Heil,  
Governor.

Executive Department ~~Idaho Territory~~  
Boise City. February 8. 1881.

Hon. President of the Council:

Sir:

Herewith I return without approval, Council Bill No. 35. "to better define the eastern boundary of the County of Cassia".

If it was the intention of the Legislature, in creating the County of Cassia, to define and confine that county in so far as its Eastern boundary line is concerned, to the then existing line of division between the Counties of Cuyler and Oneida, I can see no good reason for disturbing that intention.

If the act creating Cassia County, taken in connection with the act approved Jan. 2. 1871. defining the dividing line between Cuyler and Oneida Counties, fixes the Eastern boundary of Cassia as commencing at the point of confluence of Raft with Snake river and running thence due South to the Utah line, there is where it should remain.

If the effect of this bill is to take a large strip of territory from Oneida and attach it to Cassia County, it seems to me the consent of the former should be obtained to the sacrifice of territory contemplated, and adequate compensation provided therefor. - neither of which has been done in this case.

Very respectfully

Your obt. servt.

J. B. Heil.

Governor.

Executive Department in Idaho Territory  
Boise City, Feb. 9, 1881.

To the Hon. Speaker of the House of Representatives.

Sir:

I have this day approved House Bill No. 88, "to amend an act entitled an act concerning crimes and punishments" approved Jan. 14, 1875. House Bill No. 73, "regulating the fees of the Territorial Secretary." House Bill No. 71, "better to define the boundary line between Lemhi and Alturas Counties." House Bill No. 41, "concerning the office of Public Administrator" House Bill No. 77, "to dissolve the bonds of matrimony now existing between Martin Fallow and Mary Fallow his wife." House Bill No. 83, requiring butchers and dealers in fresh meat in Shoshone County to pay a license. House Bill No. 31, "to protect resident stock owners and ranchers and provide for the branding and marking of live stock."

Very respectfully

Your obt. servt.

J. B. Keil.

Governor.

Executive Department in Idaho Territory.  
Boise City, Feb. 9, 1881.

To the Hon. President of the Council:

Sir:

I have this day approved Council Bill No. 39, "to amend an act entitled an act defining the duties and fees of county officers, approved Jan. 13, A. D. 1871." Council Bill No. 54, "providing for the erection of a County Court House and Jail Building at Boise City the county seat of Ada County." Council Bill No. 46, "supplementary to an act concerning chattel mortgages" approved January 12, 1875. Council Bill No. 48, "to

(over)

amend the charter of the City of  
Lewiston"

Very respectfully.

Your obt. servt.

J. B. Keil  
Governor

Executive Department, Idaho Territory,  
Boise City, Feb. 9, 1881.

To the Hon. Speaker of the House of Representatives:  
Sir:

Herewith I return, without approval House Bill No. 91, "creating a contingent fund for the County of Bear Lake in Idaho Territory." This bill strikes me as rather a unique specimen of legislation.

The bill proposes to "set apart from the general fund of Bear Lake County the sum of forty cents on each dollar for the purpose of paying salaries, fees and expenses of the county officers of Bear Lake County, and all other incidental or necessary expenses, not otherwise provided by law"

The measure is in conflict with the prohibitions contained in section 20 of the act relating to County Commissioners, and if it does not repeal them, it is certainly inconsistent therewith, and consequently inoperative.

It is generally held that a special law is superior to a general law, and where there is conflict between them the special law prevails.

If this be true, and this measure becomes a law, a large fund would be raised under it, which the County Commissioners might contend they could use in the payment of additional salaries, fees and expenses of the county officers of Bear Lake, as

they may see fit to allow" not otherwise provided by law"

The indefinite, and ambiguous wording of this bill would seem to justify the conclusion that such was the intention of its framers.

If there are officers in Bear Lake County, whose salaries fees and expenses have not been fixed by law, it would be proper to provide definite and adequate compensation for them.

Very respectfully,

Your obt. servt.

J. B. Keil.

Governor.

Executive Department. — Idaho Territory.  
Boise City Feb. 10. 1881.

To the Hon. Speaker of the House of Representatives:  
Sir:

I have this day approved House Bill No. 84. "to authorize the Auditor of Alturas County to issue warrants on the Current Expense and Redemption Fund in lieu of certain old ones drawn upon the Road Fund". House Bill No. 28. "to amend an act entitled an act to establish a public school system and to provide for the maintenance and supervision of public schools, approved Feb. 21. 1879. House Bill No. 35. "amending an act relating to District Attorneys and defining their duties" approved January 14. 1875. House Bill No. 98. "to tax the owners of dogs in Bear Lake County, Idaho Territory. House Bill No. 81. "to dissolve the bond of matrimony between Alfaretta Stine and Eugene Stine her husband. House Bill No. 89. "to amend an act entitled an act in relation to the construction of bridges ferries, roads and trails, approved December 20. 1864.

Very respectfully,

Your obt. servt.

J. B. Keil. Governor.

Executive Department - Idaho Territory  
Boise City. Feb. 15<sup>th</sup> 1881.

To the Hon President of the Council:

Sir:

I have this day approved Council Bill No. 66 "fixing the salary of the Probate Judge of Ada County and providing for the payment of the same." Council Bill No. 60 "to provide an additional desk for the office of the Clerk of the Supreme Court." Council Bill No. 62, "relating to the location and recording of mining claims." Council Bill No. 68. "supplementary to an act entitled an act to amend the charter of the City of Lewiston." Council Bill No. 61. "to provide for the election of County School Superintendents in certain Counties of this Territory." Council Bill No. 22 "creating the office of District Attorney for each of the organized Counties of Idaho Territory and defining their duties and compensation." Council Bill No. 41. "to regulate the manner of collecting Territorial and County revenue in Idaho Territory." Council Bill No. 56. "to amend an act entitled an act to provide a uniform system of Territorial and County revenue and for the assessing and collecting the same" approved Jan. 15. 1875. Council Bill No. 58 "to secure the collection of poll taxes." Council Bill No. 33. "to regulate the right to the use of water for mining, agricultural manufacturing and other purposes." Council Bill No. 57. "to provide for the keeping, discipline and management of the Territorial prisoners." Council Bill No. 78. "to continue in force certain provisions of an act entitled an act regulating salaries and fees, and the collection and disbursement of revenues in Owyhee County" approved January 9. 1877.

Very respectfully,

Your obt. svt.

J. B. Weil

Governor.

Executive Department, Idaho Territory  
Boise City Feb. 10. 1881

To the Hon. Speaker of the House of Representatives:  
Sir:

I have this day approved House Bill No. 70 "to provide for the building of a bridge across Payette River at or near Hunt's Ferry on the Boise and Unnatilla Stage road." House Bill No. 100 "to dissolve the bonds of matrimony between Jane S. Pollard and John Pollard her husband." House Bill No. 47. "defining the duty and power of the County School Superintendent of Ada County" House Bill No. 106. "to dissolve the bonds of matrimony now and heretofore existing between Orlando Robbins and Malinda Robbins his wife, and House Bill No. 87. "to provide a free bridge across Boise River in Ada County, and to establish a bridge commission in said County".

Very respectfully

Your obt. servt.

J. B. Keil

Governor.

Executive Department, Idaho Territory  
Boise City Feb. 10. 1881.

To the Hon. President of the House of Representatives:  
Sir:

I have this day approved House Bill No. 109. "to amend section five hundred and thirty nine of an act entitled an act to regulate proceedings in criminal cases in the Courts of Justice in the Territory of Idaho. approved Jan. 14. 1875.

Very respectfully

Your obt. servt.

J. B. Keil

Governor

Executive Department in Idaho Territory  
Boise City Feb. 18. 1881.

To the Hon. President of the Council:

Sir:

I have this day approved Council Joint Resolution No. 6. "appropriating two hundred and fifty dollars per annum to the Trustees of the Historical Society of Idaho."

Very respectfully

Your obt. serv.

J. B. Keil.

Governor.

Executive Department in Idaho Territory.  
Boise City Feb. 18. 1881.

To the Hon. President of the Council:

Sir:

I have this day approved Council Bill No. 79. "to amend an act fixing the salaries of certain officers in Oricida County. approved Jan. 15. 1881. Substitute for Council Bill No. 77. "to provide for readjusting and apportioning the representation to the Houses of the Legislative Assembly from the Counties of Lemhi and Custer and for other purposes". Council Bill No. 80. regulating the salaries of certain officers of Alburas County". Council Bill No. 78. "to repeal the tenth section of an act entitled an act to regulate marks and brands of stock approved Jan. 12. 1877. Council Bill No. 55. for the relief of Eawara McCowille".

Very respectfully

Your obt. serv.

J. B. Keil.

Governor.

Executive Department in Idaho Territory,  
Boise City Feb. 10<sup>th</sup> 1881.

To the Hon. Speaker of the House of Representatives:  
Sir:

I have this day approved House Bill No. 23  
"to amend the general school law of Idaho Territory"  
House Bill No. 90. "to amend section 76 of the revenue law."  
House Bill No. 107. "to amend an act to protect certain  
game in Idaho Territory" approved January 12<sup>th</sup> 1875.

Very respectfully

Your obt. svt.

J. B. Heil.

Governor.

Executive Department in Idaho Territory,  
Boise City Feb. 10<sup>th</sup> 1881.

To the Hon. Speaker of the House of Representatives:  
Sir:

I have this day approved House Bill No. 103. "to  
exempt officers of fire companies from jury duty";  
and House Concurrent Resolution No. 12. "regulating  
the disposal of the session laws and journals of each  
House".

Very respectfully

Your obt. svt.

J. B. Heil.

Governor.

Executive Department - Idaho Territory  
Boise City Feb. 10<sup>th</sup> 1881

Hon. John Bailey,  
President of the Council.

Sir:

I have the honor to nominate, and by and with the advice and consent of the Council, do hereby appoint,

Col. Kasbrouck, of Ada County, to be  
Territorial Treasurer, for the full term  
of two years from and after date.

Very respectfully,

J. B. Heil  
Governor.

Executive Department - Idaho Territory  
Boise City Feb. 10<sup>th</sup> 1881.

Hon. John Bailey,  
President of the Council.

Sir:

I have the honor to nominate, and by and with the advice and consent of the Council, do hereby appoint,

James L. Oudendouk, of Buster County, to be  
Territorial Controller, and ex officio  
Superintendent of Public Instruction, for  
the full term of two years, from and after  
this date.

Very respectfully,

Your obt. servt.

J. B. Heil  
Governor.

Executive Department in Idaho Territory  
Boise City Feb 10 1881

To the Hon President of the Council  
Sir:

I have no further communication to make to the Council. Be pleased to express to the members of the Council my profound appreciation of the courtesies extended to me during the session. I trust each member may have a safe and pleasant journey to his home.

Very respectfully

Your obt. servt

J. B. Heil.

Governor

A copy of the above communication has been transmitted to the House of Representatives

Executive Department in Idaho Territory  
Boise City Feb 10 1881

The following communication was received from the Council

Council Chamber Boise City February 10 1881.

To Hon. John B. Heil,

Governor

Sir

I am instructed to inform you, that the Council has unanimously rejected the name of Col. Casbrauck for Territorial Treasurer of Idaho Territory.

Very respectfully

(Signed)

James B. Nickerson

Chief Clerk of Council.

Executive Department Idaho Territory

Boise City Feb 10<sup>th</sup> 1881

The following communication was received from the Council

Council Chamber Boise City

To Hon John B. Heil

Governor of Idaho

Sir:

I am instructed to inform you that the Legislative Council of the Eleventh Session has confirmed your appointment of James L. Ouderdunk as Territorial Controller and ex officio Superintendent of Public Instruction for Idaho Territory for the full term of five years from and after this date.

Very respectfully,

(Signed)

J. B. Hickenham  
Chief Clerk of Council.

Executive Department Idaho Territory

Boise City February 14<sup>th</sup> 1881

The bond of James L. Ouderdunk as Territorial Controller in the penal sum of ten thousand dollars, with Frank R. Loffin, Roscoe D. Eastman, John A. Post and Joseph Luskham as sureties thereon, having been approved and filed in the office of the Territorial Secretary, as required by law, a commission has this day been issued to him.

Executive Department, Idaho Territory

Boise City, March 1881

Mr. J. Montgomery was this day appointed Commissioner of Deeds for Idaho Territory to reside at Salt Lake City, Utah Territory.

Executive Department, Idaho Territory

Proclamation, By the Governor

Whereas it appears that Henry Mc Donald, who stands charged with the murder of George Myers, escaped from the custody of the Sheriff of Ada County, on the evening of the 14<sup>th</sup> inst.

Now, Therefore be it known that I John B. Weil, Governor of the Territory of Idaho, do by virtue of authority of law, offer a Reward of \$500.00 for the apprehension of said Henry Mc Donald to be paid upon his arrest and delivery to the Sheriff of Ada County, or other officer of the Territory authorized by law to receive him.

In testimony whereof I have hereunto set my hand and caused the seal of the Territory to be affixed.

Done at Boise City, I.D. this 15<sup>th</sup> day of May, A. D. 1881

John B. Weil

By the Governor

D. F. Singler

Secretary

Executive Department Idaho Territory

Boise City June 25<sup>th</sup> 1881

The Governor has this day appointed O. F. Enfield  
J. T. Rankin, <sup>9<sup>th</sup></sup> J. W. Martin to act as Commissioners  
for Kootenai County as provided for by the act of  
December 22<sup>nd</sup> 1864 and the act of January 9<sup>th</sup> 1867.

## United States of America,

Territory of Idaho } ss.  
Executive Office }

Know all men by these presents that, whereas, Frank Stahle was at the November term of the District Court of the Third Judicial District of the Territory of Idaho, in and for the County of Oneida, <sup>for the year of the thousand eight hundred and eighty seven</sup> convicted of the crime of Robbery, and sentenced to the Idaho Penitentiary for a term of Five (5) years, and

Whereas, The Judge who presided at the trial of the said Frank Stahle, the Prosecuting Attorney, who prosecuted the case, the Warden of the Penitentiary, and many reputable citizens have recommended that a full and unconditional pardon be granted to the said Frank Stahle; and it also appearing that his conduct during his confinement in prison has been excellent, and that he aided in preventing the escape of several prisoners, and thereby probably saved the life of the Warden on that occasion,

Now therefore, I, John B. Neil Governor of the Territory of Idaho, by virtue of the authority in me vested, do hereby, and on this date, grant unto the said Frank Stahle, a full and complete pardon for his said offense, and I hereby direct the United States Marshal, or other officer who may have him in custody, to let him, the said Frank Stahle go free without delay.

In testimony whereof I have hereunto set my hand and caused the Great Seal of the Territory to be affixed.

Done at Boise City this Twenty First day of May, A. D. 1881.

John B. Neil

Governor.

By the Governor

D. A. Miggins

Secretary.

